

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Koji HIROSE et al.

Group Art Unit: 2612

Appl. No. : 10/530,479

Examiner: N. H. Syed

Filed : April 6, 2005

Confirmation No.: 5336

For : REMOTE CONTROL DEVICE, REMOTE CONTROL METHOD,  
AND REMOTE-CONTROLLABLE DEVICE

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria VA 22314

Sir:

In response to the Final Official Action of February 25, 2008, and further to the Response Under 37 C.F.R. §1.116 which was filed on May 27, 2008 (May 25, 2008 falling on Sunday and May 26, 2008 falling on a Federal holiday), Applicants respectfully request that a pre-appeal brief panel review and withdraw the outstanding rejections. Further, Applicants request an indication of the allowability of all claims pending in the present application in view of the herein contained remarks. A request for a one month extension of time is submitted herewith.

**Remarks** begin on page 2 of this paper

## REMARKS

On May 27, 2008 (May 25, 2008 being a Sunday and May 26, 2008 being a Federal holiday), Applicants filed a Response Under 37 C.F.R. §1.116, in which Applicants argued for the patentability of the claims, which were not amended by the Response. On June 16, 2008, an Advisory Action was mailed indicating that the request for reconsideration was considered, but that it did not place the application in condition for allowance. The Advisory Action fails to indicate whether or not the filed Response was entered; however, Applicants presume that the Response has been entered, as no claim amendments were set forth in the Response.

Applicants respectfully traverse the Examiner's 35 U.S.C. §103(a) rejection of claims 1-3, 5, 6, 8-10, 12 and 14 (incorrectly indicated in the Final Office Action as being claims 1-3, 5-10, 12 and 14, as claim 7 had been previously canceled) as being unpatentable over U.S. Patent Application Publication No. 2002-0111698 to GRAZIANO et al. in view of U.S. Patent Application Publication No. 2002-0156899 to SEKIGUCHI. Applicants also respectfully traverse the 35 U.S.C. §103(a) rejection of dependent claims 4, 11 and 13 as being obvious over GRAZIANO et al. in view of SEKIGUCHI and further in view of U.S. Patent Application Publication No. 2002-0180579 to NAGAOKA et al.

### **A. The Use Of Two Servers In The Claimed Invention Is Not A Matter Of Design Choice**

Independent claims 1 and 8 of the present invention specify a first server and a second server. In rejecting the claims, the Examiner acknowledges that GRAZIANO fails to disclose the use of two servers, but alleges that this is merely a matter of design choice. Applicants respectfully traverse this assertion.

According to the teaching of the instant invention, a first server communicates with a mobile device (such as, for example, a mobile phone) to control a web screen for the mobile

device. A second server communicates with a home device, such as, for example, a recorder, to acquire a latest ip address of the device. Using two servers, the remote controller system of the present invention can use the home device, located on the same ip address for a plurality of purposes.

For example, the first server can serve as a server for company "A" that provides service for remote timer recording, or as a server in company "B" to transmit images to the remotely located home device. For company "A", the first server of company "A" can remotely set a timer recording identified by the second server. For company "B", the first server of company "B" can transmit images to the home device (recorder) identified by the second server. The separation of the second server that identifies the device and controls the status of the device, from the first server that provides services, allows the home device (recorder) located on the same ip address to be used for a plurality of purposes.

If the first server and the second server were integrated into a single server, as the Examiner asserts could be done, the following problems arise:

(1) communication traffic increases, because the servers of both companies "A" and "B" have to communicate with the device to identify the ip address of the device and the status of the device;

(2) each device would need to implement different protocols provided for companies "A" and "B", resulting in increased manufacturing/development costs; and

(3) even if the server for company "A" and the server for company "B" were to provide the same service, the device would need to exclusively communicate with the respective servers, and thus, the device would need to implement a plurality of communication protocols.

These problems are eliminated by employing two servers, as taught by Applicants' invention. Thus, Applicants submit that the use of two servers is not a mere design choice, as alleged by the examiner, but rather, a significant feature of the claimed invention, and that independent claims 1 and 8 are allowable over the prior art rejection set forth by the Examiner. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103 rejections for at least the reason that the use of two servers is not a mere design choice.

#### **B. Independent claims 2-6 and 9-14**

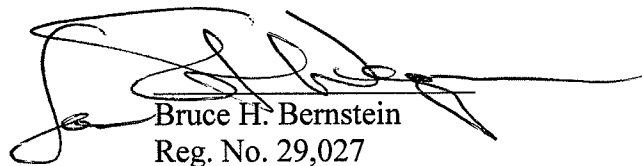
With regard to claims 2-6, which depend from claim 1, and claims 9-14, which depend from independent claim 8, Applicants submit that they are allowable at least because they depend, directly or indirectly, from respective independent claims 1 and 8, which Applicants submit have been shown to be allowable over the art applied by the Examiner, as well as based upon the additional recitations included in each of the dependent claims. Accordingly, Applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all of the claims pending in the application.

### **CONCLUSION**

Applicants submit that the present application is in condition for allowance, and respectfully request an indication to that effect.

Should the Examiner have any questions concerning this Reply or the current application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Koji HIROSE et al.



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